

CABINET12 DECEMBER 2012

Present:- Councillor P Halliday (Leader of the Council/Finance and Assets Management) (Chairman - except item 58)!Councillor S Candy (Inward Investment and Growth)!Councillor A Goggin (Tourism)!Councillor G V Guglielmi (Planning and Corporate Services)!Councillor P B Honeywood (Housing, Benefits & Revenues and Sports Facilities) (in the Chair for item 58)!Councillor S S Mayzes (Education and Skills)

Also Present:- Councillors D R Mayzes (Chairman of the Council) and G L Mitchell.

In Attendance:- Chief Executive (Ian Davidson), Strategic Director (David Appleby), Head of Life Opportunities (Paul Price), Head of Resource Management (Karen Neath), Legal Services Manager (Michael Gibson-Davies), Communications and Public Relations Manager (Nigel Brown), Senior Democratic Services Officer (Ian Ford), Democratic Services Officer (Elizabeth Ridout) (except items 56 (part) – 61) and Democratic Services Officer (Janey Nice).

Also in Attendance:- Group Leaders present by invitation: Councillor Talbot (except items 52 - 55 (part))

12.00 noon - 1.40 p.m.  
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52.. APOLOGIES FOR ABSENCE

The Leader of the Council submitted apologies for absence on behalf of Councillors McWilliams (Health and Community Safety Portfolio Holder – who was attending a meeting with the Police and Crime Commissioner for Essex) and Turner (Environment and Coast Protection Portfolio Holder – who was unwell).

53. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Cabinet held on 7 November 2012 were approved as a correct record and signed by the Chairman.

54. MATTERS ARISING FROM THE MINUTES

There were none.

55. ANNOUNCEMENTS BY LEADER OF THE COUNCIL

The Leader of the Council (Councillor Halliday) welcomed the new member of the Cabinet, Councillor Goggin, those who had undertaken new responsibilities and placed on record his appreciation of the excellent contributions made by the former Leader, Councillor Stock, and the former Portfolio Holders, Councillors Sambridge and Watling. He also announced that Councillor Stock would be taking Councillor Goggin's place on the Conduct Committee.

The Leader of the Council referred to the award of over £2million to a company in Harwich and was pleased to announce that following extensive discussions with Councillor David Finch, Portfolio Holder for Finance and Transformation Programme at Essex County Council, he was hopeful that Tendring District Council would be able to allocate £1million per annum for the next three year in its capital programme from Essex County Council for

work on sea defences.

The Leader of the Council informed Cabinet that, like his predecessor in office, he had extended an invitation to all Group Leaders to attend formal Cabinet meetings and participate in the discussion of the items being considered. However, with the exception of the Leader of the Independent Group (Councillor Talbot), those Group Leaders had not attended and/or stated that they would continue not to attend Cabinet for variously stated reasons. The Leader stated that he was very disappointed by this. Other Cabinet Members echoed that disappointment and felt that all Group Leaders should attend and represent the views of their Group colleagues and take part in a proper, informed discussion of important decisions facing the Council such as the recent decision in respect of the Local Council Tax Support Scheme.

56. ANNOUNCEMENTS BY CABINET MEMBERS

The Tourism Portfolio Holder (Councillor Goggin) referred to the recent tourism event involving, amongst others, parish/town councils and local businesses. He reemphasised and gave examples of the very important role that tourism plays in the life of the District and informed Cabinet that he would be seeking in the longer term to hold tourism event meetings every three months. He would also, at their request, be holding meetings with the key players in the first week of January. Councillor Goggin stated that he would be encouraging all parish and town councils to follow Brightlingsea Town Council's example and appoint a Councillor with specific responsibility for tourism promotion.

For the future Councillor Goggin announced that he would be campaigning for visitors to the Clacton Air Show to put 'a pound in the bucket' thereby financing the event through public contribution. He also announced that he would be looking into a potential 'Tendring Hundred' marketing campaign featuring 100 events, 100 restaurants and public houses, 100 walks et cetera.

The Inward Investment and Growth Portfolio Holder (Councillor Candy) was very pleased to announce that an engineering company in Harwich, A J Woods, would receive more than £2million in growth places funding from the South East Local Enterprise Partnership following its successful bid supported by both Essex County Council and Tendring District Council. The funding would go towards the provision of harbour facilities for high speed vessels providing support for the renewable energy sector off-shore wind farms.

57. MATTERS REFERRED TO THE EXECUTIVE BY THE COUNCIL

There were none on this occasion.

58. CONDUCT COMMITTEE: INVESTIGATION OF COMPLAINTS

The Cabinet had before it a report to enable them to consider within the period prescribed in the Constitution the decision of the Corporate Management Committee in respect of Executive Decision number 2205, which had been called-in, and to adopt a final decision.

The Leader of the Council, Councillor Halliday, declared an interest and vacated the Chair and left the meeting for the duration of this item. The Chair was thereupon occupied by the Deputy Leader of the Council, Councillor P B Honeywood.

In response to a question from Councillor Goggin, the Monitoring Officer (Michael Gibson-Davies) confirmed that Councillor Goggin had no prejudicial interest in this matter arising from his former membership of the Corporate Management Committee and the Conduct Committee.

The Chief Executive (Ian Davidson) informed Cabinet that the review of the Conduct

Committee's processes and procedures was underway, the results of which would be reported to the Conduct Committee in due course in order that the Conduct Committee could then submit its recommendations to Council.

Having considered the views of the Corporate Management Committee:-

It was moved by Councillor Candy, seconded by Councillor Goggin and:-

RESOLVED that Cabinet notes the Corporate Management Committee's comments and welcome its support for the decision. Cabinet realises from its comments that some Members are unaware that all Members have access to the Conduct Committee papers under the access to information rules. Therefore the Cabinet's decision stands as taken and Officers are asked to remind all Members as to their standard rights of access to information.

59. LEADER OF THE COUNCIL'S ITEMS

There were none on this occasion.

60. REVISED FINANCIAL STRATEGY FOR 2013/14 AND BEYOND

The Cabinet had before it a report to enable it to consider the revised financial strategy for 2013/14 and, in light of the current position, to agree the approach to the financial strategy for 2013/14 to 2016/17.

The Cabinet was aware that the Corporate Management Committee, at its meeting held on 22 October 2012 (minute 30 referred), had considered the initial financial strategy and had decided:-

"1. in accordance with the Constitution and the request of Cabinet, consideration was given to the Cabinet's Initial Financial Strategy 2013/14 and in providing its comments, the Committee was mindful that any further inclusion of cost pressures or other budgetary demands would require matching measures to ensure that the funding gap was not increased;

2. the Committee considered and determined its future approach to scrutiny and budget review, with the aim of supporting the Council in responding to the significant financial challenges that it currently faced, as follows:

(a) The Committee wished to embark upon more innovative scrutiny to address the longer-term on-going support of the budget-setting process;

(b) That, at its meeting scheduled to be held on 3 January 2013, senior officers from each of the Council's Departments be invited to address the Committee and to answer any questions from Members in relation to their specific budgets;

(c) That the 3 January 2013 meeting proceed between Members of the Committee and appropriate officers only;

(d) That a further meeting of the Committee be scheduled for 10 January 2013, at which, relevant Portfolio Holders be invited to address the Committee and to answer any questions from Members in relation to their specific budgets; and

(e) That the appropriate officer with responsibility for Leisure provision be invited to address the Committee at its next meeting to answer any questions from Members in relation to their specific budgets; and

3. the Committee requested Cabinet to endorse the proposed revised approach to scrutiny."

Councillor Candy thanked the Portfolio Holder and Officers for the sustained work and

effort that had gone into producing the information now before the Cabinet.

The Chief Executive (Ian Davidson) informed Cabinet that fundamental service reviews were out for staff consultation and that the number of departments would shortly be reduced from five to four with resulting financial savings factored in.

Having regard to the reported financial situation:-

It was moved by Councillor Halliday, seconded by Councillor Candy and:-

RESOLVED that

(a) in response to the comments made by the Corporate Management Committee, the Cabinet can inform that Committee that Cabinet supports those comments but that there is an expectation that senior Officers will accompany those Portfolio Holders who are called to attend the Committee's budget scrutiny meeting on 10 January 2013 in order to assist in answering any questions of a technical nature.

(b) the revised proposals for the Financial Strategy and Financial Forecast for 2013/14 and beyond, as detailed in item A.2 of the Report of the Finance and Asset Management Portfolio Holder, be approved;

(c) the Council Tax for 2013/14 be unchanged from 2012/13;

(d) if the final financial position is more or less advantageous to the Council (from either revised estimates or estimates for 2013/14) then any increase or decrease be adjusted against the Fit for Purpose Budget; and

(e) the Corporate Management Committee be requested to comment on those revised financial strategy proposals.

61. INITIAL BUDGET PROPOSALS FOR A REVISED BUDGET 2012/13 AND ORIGINAL BUDGET FOR 2013/14

The Cabinet gave consideration to a report of the Finance and Asset Management Portfolio Holder which set out and sought approval of the initial proposals for a balanced General Fund Revenue Budget and Capital Programme for a revised budget for 2012/13 and original budget for 2013/14.

To enable the budget process to proceed:-

It was moved by Councillor Halliday, seconded by Councillor Candy and:-

RESOLVED that

(a) the initial budget proposals (including the fees and charges), as set out in the appendices to item A.3 of the Report of the Finance and Asset Management Portfolio Holder, be approved for consultation with the Corporate Management Committee;

(b) the Finance and Asset Management Portfolio Holder be authorised to approve the Special Expenses report for consultation with the Corporate Management Committee; and

(c) all future expenditure in 2012/13 be in line with the proposed revised budget set out in the above-mentioned appendices, subject to final approval by Council on 12 February 2013 and that the corporate financial system be amended accordingly to reflect those changes along with any amendments arising from revisions to the Code of Practice relating to the presentation of the Council's annual Statements of Accounts.

62. REVIEW OF DEVELOPMENT OF LAND - HORSLEY CROSS/A120 CORRIDOR

Further to minute 20 of the meeting of the Cabinet held on 13 September 2012 the Cabinet gave consideration to a detailed report of the Finance and Asset Management Portfolio Holder which presented the outcome of the audit of the possible development of land at Horsley Cross or elsewhere along the A120 corridor.

The audit review had been undertaken regarding a planning application made in 2006 (reference 06/00891/OUT) together with decisions concerning the same site at Horsley Cross that were made as part of the development of the Local Plan.

Having discussed the information provided in the report:-

It was moved by Councillor Candy, seconded by Councillor G V Guglielmi and:-

RESOLVED that Cabinet notes the outcomes of the review and requests that the report come back to the next meeting with the following information added:-

- why the May 2006 planning application was considered by the Development Control Committee in May 2008;
- as central government's planning policy has changed with the introduction of the National Planning Policy Framework Counsel's advice on the implications of the allocation of land at Horsley Cross which was put forward at full Council; and
- Officers' advice (both from the Planning and Regeneration sections) on the allocation at Horsley Cross put forward at full Council on 11 September 2012.

63. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The Leader of the Council urged Members and residents to attend the Christmas Pantomime performance of Cinderella in the Princes Theatre with the show's run commencing on Saturday 15 December 2012.

64. DATE AND TIME OF NEXT MEETING

The next meeting of the Cabinet will be held on Friday 21 December 2012 at 12.00 noon in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 1.40 p.m.

65. COUNCIL TAX: DISCRETIONARY DISCOUNTS FOR DOMESTIC PROPERTIES

The Council had before it information to enable it to recommend to Council the Council Tax discounts for 2013/14 in respect of second homes, long-term empty properties and locally defined discounts and a new delegated power required following the National Non-Domestic Rate Reforms.

Cabinet was reminded that the Council Tax Base calculation, to be approved by the Portfolio Holder for Finance and Asset Management, must take into account the Council's decision on discounts for second homes, long-term empty properties and the option to set local discounts. The discretionary discounts decision fell to the Council following a

recommendation from Cabinet and must be made on an annual basis.

It was reported that the Government intended to introduce a range of options in the Local Government Finance Bill and subsequent Regulations. Those options would enable billing authorities to choose the percentage discount on empty properties and second homes from 2013/2014.

Existing exemption classes A and C would be abolished and be replaced by local discounts.

Cabinet was informed that the recommendations now before them would help to support the anticipated increased cost of the new Local Council Tax Support Scheme.

Cabinet were aware that if the Council failed to make a decision on local discounts the default position would be a 50% charge on both empty properties and second homes (with no exemption on empty properties). That would cause significant financial difficulty for all the preceptors and also introduce many administrative problems.

Currently Essex County Council contributed towards the expenditure incurred by this Council on concurrent functions by paying 50% of their increased share of the second homes charge to this Council.

For 2013/2014 it was also requested that the power to approve the National Non-Domestic Rate Form NNDR1 be delegated to the Portfolio Holder for Finance and Asset Management as this would also form part of the budget process due to the introduction of the local retention of business rates.

Having considered the information submitted in the joint report of the Benefits and Revenues Portfolio Holder and the Finance and Asset Management Portfolio Holder and in order to enable this matter to proceed to full Council:-

It was moved by Councillor Halliday, seconded by Councillor Watling and:-

RECOMMENDED TO COUNCIL that for the 2013/14 financial year

1. In respect of Council Tax Discounts:-

(a) Where a property was unoccupied, unfurnished and either needed, or was having major repairs and/or structural alterations a local discount of 100% under Section 11A of the Local Government Finance Act 1992, for up to one year, be applied;

(b) Where a property was unoccupied and unfurnished, a local discount of 0% under Section 11A of the Local Government Finance Act 1992, for up to six months, resulting in a 100% charge, be applied;

(c) Where a property was unoccupied and unfurnished for more than six months, a 0% discount resulting in a 100% charge, be applied; and

(d) Where a property was unoccupied and furnished, a 0% discount resulting in a 100% charge, be applied.

2. That in respect of NNDR reforms the approval of the NNDR1 data for 2013/14 be delegated to the Portfolio Holder for Finance and Asset Management.

66. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none on this occasion.

The next meeting of the Cabinet will be held on Wednesday 12 December 2012 at 12.00 noon in the Essex Hall, Town Hall, Station Road, Clacton-on-Sea.

The meeting was declared closed at 1.52 p.m.

Chairman